

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25432 of 2025

Arising Out of PS. Case No.-30 Year-2024 Thana- MAHILA P.S District- West Champaran

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Sandeep Kumar Yadav S/O Yogendra Yadav R/O Village- Deora, P.S- Babubarhi, Dis.- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Priya Kumari D/O Birendra Prasad Singh R/O Bankerva. P.S- Parasa, Distt.- Saran. Also at Plus 2 Rajkiya Anusuchit Janjati Awasiya Balika Ucch Vidyalaya, Ghamora, P.S- Sahodar, Distt.-West Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Dhananjay Kumar, Advocate
For the Opposite Party/s	:	Mr. Syed Ehteshamuddin, APP
For the O.P. No. 2	:	Mr. Anish Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL JUDGMENT

Date : 22-01-2026

Heard learned counsel for the petitioner, O.P. No. 2 and the learned APP for the State.

2. This is an application for quashing the cognizance order dated 14.11.2024 passed by the learned Additional Chief Judicial Magistrate-VI, West Champaran, Bettiah in connection with Mahila P.S. Case No. 30 of 2024 dated 01.07.2024 bearing G.R. No. 2809 of 2024, whereby cognizance for the offences punishable under Sections 376, 420, 313, 379 and 323 of the Indian Penal Code read with Section 3/4 of the Dowry Prohibition



Act has been taken against the petitioner pending in the court learned Sub-Divisional Judicial Magistrate, Bettiah.

3. Learned counsel for the petitioner submits that the petitioner and O.P. No. 2 were in love and the petitioner had accepted to marry the informant but on being influenced by other persons, the informant/O.P. No. 2 lodged the present FIR. It has been submitted that the police mechanically submitted charge-sheet and even the learned trial court took cognizance for the offences under Sections 376, 420, 313, 379 and 323 of the Indian Penal Code read with Section 3/4 of the Dowry Prohibition Act by order dated 14.11.2024, which has been impugned through the present application.

4. Learned counsel for the petitioner submits that the informant and the petitioner have settled their dispute and no grievance is left against each other and both the side have mutually filed a compromise deed on 04.02.2025 before the learned trial court which has been brought on record by way of Annexure-P-3. Learned counsel referring to the said compromise petition has pointed out towards paragraphs 5, 6 and 7 which are hereunder:

“5. Whereas efforts and attempts were made by the friends and elders as well as the respectable people of the society thereby clarifying all the bonafide mistakes, misunderstandings between the parties. The Second Party has thus agreed to withdraw the FIR made against the First Party and the parties shall make statements before the court or police authorities in this respect as and when required.



6. Whereas Second Party undertakes to withdraw the FIR Bettiah Mahila P.S. case no. 30/2024.

7. Whereas All the disputes between the parties stands finally resolved and there is no ill will or complaint against each other in any manner.”

5. Learned counsel for the petitioner further submits that, in fact, in the same compromise petition in paragraph-10 it was also decided that any complaint by the parties against each other shall stand withdrawn, cancelled or revoked finally after signing of the mutual compromise deed.

6. Learned counsel for the O.P. No. 2 does not dispute the factum of compromise entered between the parties and, in fact, has gone on to add that the O.P. No. 2 was even examined as P.W. 1 in the trial, wherein she has categorically stated that no physical relationship between the petitioner and the informant had been established and, in fact, she wanted to marry with the petitioner however the parents of the petitioner were not ready for the same. The O.P. No. 2 was declared hostile at the request of the prosecution and thereafter, the prosecution had cross-examined her wherein she has categorically stated that she had no physical relationship with the petitioner and no assault was committed by the petitioner and there is no obscene video clip of her along with the petitioner.

7. Learned counsel on behalf of the O.P. No. 2 has submitted that now no dispute remains between the parties and the



O.P. No. 2 does not object to the application of the petitioner, which has been filed primarily for quashing of the order taking cognizance.

8. Having heard learned counsel for the parties and upon perusal of the records it is clear that the parties have compromised and they do not want to pursue the matter further. It is evident from the deposition of O.P. No. 2 that she has not supported the prosecution case and was, in fact, declared hostile and therefore the result of the trial is a foregone conclusion.

9. The question which confronts this Court is with regard to quashing of a proceeding in a matter wherein non-compoundable offence is involved. The Hon'ble Supreme Court in the case of *B.S. Joshi v. State of Haryana* reported in (2003) 4 SCC 675, has observed that Section 320 of the Cr.P.C. does not limit or control the powers vested in High Court under Section 482 of the Cr.P.C. and the High Court is empowered to quash criminal proceedings/FIR, even if non-compoundable offences are involved.

10. The Hon'ble Supreme Court while dealing with powers of the High Court to quash criminal proceedings under Section 482 of the Cr.P.C. in the case of *Gian Singh v. State of*



Punjab reported in ***(2012) 10 SCC 303***, in paragraph-61 has observed as under:

“61. The position that emerges from the above discussion can be summarised thus : the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz. : (i) to secure the ends of justice, or (ii) to prevent abuse of the process of any court. In what cases power to quash the criminal proceeding or complaint or FIR may be exercised where the offender and the victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have a serious impact on society. Similarly, any compromise between the victim and the offender in relation to the offences under special statutes like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, etc.; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and predominatingly civil flavour stand on a different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, the High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that the criminal case is put to an end and if the answer to



the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

11. In *Shiji @ Pappu and Ors. v. Radhika and Anr.*

Reported in **(2011) 10 SCC 705**, the Hon’ble Supreme Court has observed as under:

“17. It is manifest that simply because an offence is not compoundable under Section 320 IPC is by itself no reason for the High Court to refuse exercise of its power under Section 482 Cr.P.C. That power can in our opinion be exercised in cases where there is no chance of recording a conviction against the accused and the entire exercise of a trial is destined to be an exercise in futility. There is a subtle distinction between compounding of an offence by the parties before the trial court or in appeal on one hand and the exercise of power by the High Court to quash the prosecution under Section 482 Cr.P.C. on the other. While a Court trying an accused or hearing an appeal against conviction, may not be competent to permit compounding of an offences based on a settlement arrived at between the parties in cases where the offences are non-compoundable under Section 320, the High Court may quash the prosecution even in cases where the offences with which the accused stand charged are non-compoundable. The inherent powers of the High Court under Section 482 Cr.P.C. are not for that purpose controlled by Section 320 Cr.P.C.”

12. This Court has earlier dealt with the judgment rendered by the Hon’ble Supreme Court in case of ***Narinder Singh and Ors. vs. State of Punjab and Anr*** reported in **(2014) 6 SCC 466** and has observed as under:

“29.4. On the other hand, those criminal cases having overwhelmingly and predominantly civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes should be quashed when the parties have resolved their entire disputes among themselves.”

29.5. While exercising its powers, the High Court is to examine as to whether the possibility of conviction is remote and bleak and continuation of criminal cases would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal cases.

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29.7. While deciding whether to exercise its power under Section 482 of the Code or not, timings of settlement plays a crucial role. Those cases where the settlement is arrived at immediately after the alleged commission of offence and the matter is still under investigation, the High Court may be liberal in accepting the settlement to quash the criminal proceedings/investigation. It is because of the reason that at this stage the investigation is still on and even the charge-sheet has not been filed. Likewise, those cases where the charge is framed but the evidence is yet to start or the evidence is still at infancy stage, the High Court can show benevolence in exercising its powers favourably, but after prima facie assessment of the circumstances/material mentioned above. On the other hand, where the prosecution evidence is almost complete or after the conclusion of the evidence the matter is at the stage of argument, normally the High Court should refrain from exercising its power under Section 482 of the Code, as in such cases the trial court would be in a position to decide the case finally on merits...”

13. From the above, it would be evident that the High Court is not divested of its power in cases in which serious offences are alleged and are not compoundable. From the aforesaid judgments, it could be understood that where the parties have settled the differences between them and on account of such settlement, they are living in harmony and their mutual relationship has been restored, then the High Courts can exercise their extraordinary jurisdiction to quash such proceedings which would otherwise on reading aggravate the differences between the parties.

14. The aforesaid judgments, one more aspect comes to the mind that the informant having been declared hostile and her statement having not supported the case of the prosecution, whether the petitioner could be convicted any further? To the



understanding of this Court, to continue with the trial would be an effort in futility and no useful purpose would be served especially for the fact that there are very faint chances of any evidence further, which would go on to prove the guilt of the petitioner, once the informant of the case has not supported the factum of the incident. Thus, it is clear that in appropriate cases the Court can exercise its power under Section 482 of the Cr.P.C. to quash such proceedings in the interest of justice and lay to rest, the entire criminal proceedings.

15. This Court has already observed, hereinabove, that the parties have settled through a compromise and she does not want to take any further action against the petitioner and, in fact, from the compromise petition, it is evident that there is a clause that the criminal cases between the parties shall be withdrawn.

16. Considering the aforesaid facts and circumstances of the case, in the peculiar facts of the present case the application is allowed and the order taking cognizance dated 14.11.2024 passed by the learned Additional Chief Judicial Magistrate-VI, West Champaran, Bettiah arising out of Mahila P.S. Case No. 30 of 2024 dated 01.07.2024 bearing G.R. No. 2809 of 2024, pending before the learned Sub-Divisional Judicial Magistrate, West



Champaran at Bettiah, is set aside and the entire criminal proceeding is, hereby, quashed.

17. The application stands allowed.

(Sourendra Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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